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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/607,217  | 06/27/2003  | Takashi Imanishi     | Q76309              | 5687             |
| 23373   | 7590        | 06/28/2006           | EXAMINER            |                  |
| SUGHRUE MION, PLLC<br>2100 PENNSYLVANIA AVENUE, N.W.<br>SUITE 800<br>WASHINGTON, DC 20037 |             |                      |                     | JOYCE, WILLIAM C |
|   |             | ART UNIT             |                     | PAPER NUMBER     |
|   |             | 3682                 |                     |                  |

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                  |                 |
|------------------------------|------------------|-----------------|
| <b>Office Action Summary</b> | Application No.  | Applicant(s)    |
|                              | 10/607,217       | IMANISHI ET AL. |
|                              | Examiner         | Art Unit        |
|                              | William C. Joyce | 3682            |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 June 2006.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.  
 4a) Of the above claim(s) 2-5 and 7-13 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 and 6 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

This Office Action is in response to the Election filed June 9, 2006 for the above identified patent application.

### ***Election/Restrictions***

1. Claims 2-5 and 7-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 9, 2006.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 1, last section, the term "mesh" is not fully understood. Is applicant attempting to recite a particular filtering element? For example, a porous filtering element is not considered a "mesh."

b. In claim 1, last section, the limitation "the associated oil passage" lacks proper antecedent basis. Is applicant referencing the "oil passage for guiding lubricant oil to the traction surfaces?

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. (USP 6,203,467) in view of either Mayer (USP 4,183,591) or Bauer et al. (USP 5,382,099).

Yamamoto et al. illustrates a toroidal-type continuously variable transmission, comprising: a pair of input and output disks (17-20) each including a first traction surface; power rollers (70-71) each including a second traction surface and respectively interposed between the first traction surfaces of the input and output disks; an oil passage (for example, 105,107,113) for guiding lubricating oil to the traction surfaces of the power rollers, input disk and output disk.

Yamamoto et al. does not teach a filter disposed on the exit side of an oil passage, but it was known in the gearing art to provide an in-line oil filter at an exit side of an oil passage for preventing contaminates from reaching a machine element.

For example, the prior art to Mayer teaches a bearing oil filter arrangement comprising: an oil passage (44,48) for supplying oil to a bearing (16), a filter (58,60) disposed in an exit side of the oil passage, wherein the filter can be made of a woven wire screen (paragraph spanning columns 3-4).

In another example, the prior art to Bauer et al. teaches a bearing oil filter arrangement comprising: an oil passage (23) for supplying oil to a bearing (2), a filter (30) disposed in an exit side of the oil passage.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the oil passage arrangement of Yamamoto et al. with an in-line oil filter at the exit side thereof, as taught by either Mayer or Bauer et al., motivation being to prevent contaminates from entering a machine component, such as bearing surface.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Note the mesh filtering arrangement of Martin (USP 5,139,673).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (571) 272-7107. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
William C. Joyce 6/21/06